

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GARY-ROBERT BENEDICT,)	
)	
Plaintiff,)	4:10MC3021
)	
v.)	
)	
DRUG ENFORCEMENT)	MEMORANDUM AND ORDER
ADMINISTRATION,)	
)	
Defendant.)	

The plaintiff's "verified claim" alleges the Nebraska State Patrol seized money from the defendant, and this money is now being held by the United States Drug Enforcement Administration ("DEA"). The verified claim is filed against the DEA and "demands immediate return of [plaintiff's] U.S. Currency/money in the sum certain amount of Five thousand seven hundred forty dollars (\$5,740.00) seized without warrant."

Read liberally, the verified claim seeks recovery under 42 U.S.C. § 1983 for property taken and held by government officials in violation of plaintiff's rights under the Fourth and Fifth Amendments. The plaintiff's "verified claim" is therefore a complaint—a pleading which purports to state a claim and demand for relief. See Fed. R. Civ. P. 8(a).

The plaintiff paid only \$39.00 toward the filing fee when his complaint was filed on August 9, 2010. The filing fee in federal court is \$350.00. Accordingly, the complaint is subject to dismissal at this time for failure to pay the court's filing fee.

IT IS ORDERED:

1) On or before October 8, 2010, the plaintiff shall pay the remaining \$311.00 owed as a filing fee for this case. Absent timely payment as required under this order, the plaintiff's complaint (entitled "verified claim") is subject to dismissal without further notice.

- 2) The clerk shall mail a copy of this memorandum and order to:

Gary-Robert Benedict
228 Commercial Street
Box 570
Nevada City, CA 95959

DATED this 20th day of September, 2010.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge